

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED HOUSE OF PRAYER FOR ALL
PEOPLE, for the use and benefit of ST.
PAUL FIRE AND MARINE INSURANCE
COMPANY,

Plaintiffs,

v.

Case No. 02-75131

UNITED BUILDING CONTRACTORS, INC.,
JACO CONSTRUCTION SERVICES, INC.,
HELLEBUYCK MECHANICAL, INC.,
WESTERN WATERPROOFING COMPANY,

HONORABLE AVERN COHN

Defendants.

/

**ORDER GRANTING DEFENDANT HELLEBUYCK MECHANICAL'S MOTION TO
ALLOW A LATER FILING OF NOTICE OF NON-PARTY FAULT
AND
GRANTING PLAINTIFF'S MOTION TO FILE A THIRD AMENDED COMPLAINT
AND
GRANTING DEFENDANT WESTERN WATERPROOFING COMPANY'S MOTION
FOR SUMMARY JUDGMENT¹**

This is a subrogation action brought by the insurance carrier for United House of Prayer For All People, St. Paul Fire and Marine Insurance Company, to recover for monies paid on the church's property damage claim allegedly caused when a sprinkler pipe froze and burst in December 2000.

¹The Court originally scheduled these matters for hearing. Upon review of the parties' papers, however, the Court finds that oral argument is not necessary. See E.D. Mich. LR 7.1(e)(2).

Before the Court are several motions, as follows:

1. Defendant Hellebuyck Mechanical's Motion to Allow a Later Filing of Notice of Non-Party Fault. Hellebuyck Mechanical seeks to file a notice of non-party fault naming J&M Asphalt Paving Company and Hill Contracting Company as potential non-parties at fault. The motion is unopposed. The motion is GRANTED.
2. Plaintiffs' Motion to File a Third Amended Complaint. The motion is unopposed. The motion is GRANTED. Plaintiffs may file a Third Amended Complaint adding J&M Asphalt Paving Company and Hill Contracting as defendants upon Hellebuyck Mechanical's filing of a notice of non-party fault.
3. Defendant Western Waterproofing's Motion for Summary Judgment. Plaintiffs filed a response indicating they have no objection to the motion. No defendants have filed a response. The motion is GRANTED. Defendant Western Waterproofing is DISMISSED as a party in this case.

The Deputy Clerk shall send out a new scheduling order.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: May 10, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 10, 2005, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager
(313) 234-5160